

ORDINANCE NO. 099-04-02

**AN ORDINANCE OF THE CITY OF NOGALES, ARIZONA, AMENDING
THE CITY'S DEVELOPMENT STANDARDS CODE (ORDINANCE 20-X) ;
AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
NOGALES, AS FOLLOWS:**

**SECTION 1. The City of Nogales Development Standards Code (Ordinance 20 X) is amended
as follows:**

A new subsection (D) is added to General Commercial, Section 507.04 (page 105) to read as
follows:

"(D) Any use permitted under Section 506 Office Professional Park, Section 505 Limited
Commercial, Section 502 Multi-family Residential; subject to the property development
standards and all other requirements of the included zoning and/or permitted uses."

A new subsection (3) is added to General Commercial Section 507.7 (D) (page 106) to read as
follows:

"3. There shall be no front, side or rear yard requirements where the development plan
includes on-site parking facilities, or when the parcel is located in a Cultural Heritage
District."

A new subsection (h) is added to Industrial Park Section 508.4 (page 107) to read as follows:

"(h) Any use permitted under Section 507 General Commercial, Section 506 Office
Professional Park, Section 505 Limited Commercial, Section 503 Mobile Home Residential;
subject to the property development standards and all other requirements of the included
zoning and/or permitted uses."

Subsection 2 of Light Industrial Section 509.2 is replaced with a new subsection 2 to read as follows:

"(2) Any uses permitted under Section 509 Industrial Park, Section 507 General Commercial,
Section 506 Office Professional Park, Section 505 Limited Commercial, Section 503 Mobile
Home Residential; subject to the property development standards and all other requirements
of the included zoning and/or permitted uses."

Subsection (4) of Section 509.8 Light Industrial Property Development Standards is replaced with

a new subsection (4) to read as follows:

"(4) Setbacks:

(a) Adjacent to a Residential Street: Not less than 50 feet along any street facing a residential area, of which 20 feet facing the residential street shall be landscaped; except, a low profile office structure of less than 18 feet in height may encroach into the required yard no more than 25 feet and may not cover more than 25% of the required setback area.

(b) Adjacent to a Non-Residential Arterial Street: Not less than 25 feet and at least 50% of the required setback shall be landscaped.

(c) Adjacent to a Local Industrial Street: Not less than 15 feet and at least 50% of the required setback shall be landscaped.

(d) Adjacent to a Residential Parcel Not Separated by a Street: Not less than 30 feet or the height of the building, whichever is greater, and the entire setback shall be landscaped.

(e) Adjacent to a Non-Residential Parcel Not Separated by a Street: Not less than 15 feet and the entire area shall be landscaped."

A new subsection (10) is added to Section 510.4 Medium to Heavy Industrial to read as follows:

"(10) Any use permitted under Section 509 Industrial Park, Section 507 General Commercial, Section 506 Office Professional Park, Section 505 Limited Commercial, Section 503 Mobile Home Residential; subject to the property development standards and all other requirements of the included zoning and/or permitted uses."

Subsection (8) of Section 510.06 is replaced with a new subsection (8) to read as follows:

"(8) Setbacks:

(a) Adjacent to a residential Street: Buildings shall be located at least 50 feet from the property line along any street facing a residential area and 50% of the setback area shall be landscaped with the exception that a low profile office structure of less than 16 feet in height may encroach into the required yard no more than 35 feet and may cover not more than 40% of the required setback area.

(b) Adjacent to a Local Industrial Street: Along any local industrial street, buildings shall be located at least 10 feet from the property line. 50% of the required setback area shall be landscaped.

(c) Adjacent to a Residential Parcel: Along any property line adjacent to a residential area and not separated by a street, the building setback shall be 50 feet or a distance equal to the height of the building, whichever is greater.

(d) Adjacent to a Commercial Parcel: Along any property line adjacent to the commercial area and not separated by a street, there shall be a setback of at least 20 feet.

(e) Adjacent to an Industrial Parcel: Along property lines that separate industrial uses there shall be a minimum setback of 10 feet. Buildings may be constructed on a property line adjacent to an industrial site, provided that the plan for development is agreed to by the owners involved, said agreement is approved by the Planning Director, and recorded as a covenant among the property owners and the City of Nogales.

(f) Adjacent to Flood Control Channel and Vacant Easements in excess of 50 feet wide: Along property lines adjacent to freeways, flood control channels and easements in excess of 50 feet in width, there shall be a setback of 10 feet."

Section 601.1 is amended by adding the following language at the end of the existing section to read as follows:

"601.1 Off-street parking requirements shall not be applicable to any pre-existing building located within a Cultural Heritage District regardless of the change of use, provided that the building retains its historic or cultural characteristics."

Section 802 (a) is amended to delete the words :

"required by Section 806"

Section 804 (b) (1) is amended to delete the words:

"in Table on the following page."

and to replace with the words:

"in Section 806."

Section 805 is amended to delete the following words:

"Tucson Active Management Area for water conservation and is mandated to reduce water consumption down to 145 gallons per person per day by the year 2001."

and to replace with the words:

"Santa Cruz Active Management Area which requires the maintenance of Safe Yield."

A new Section 806 is added to read as follows:

"806. Buffer Requirements:

In addition to any landscaping requirements contained in this code, the following requirements shall also apply to all new building permits, site plans, development plans, or rezonings:

(a) **MULTI-FAMILY RESIDENTIAL:** Six foot masonry wall surrounding the entire site, except for roadway entrances. In addition, a 10 foot landscaped buffer shall be provided along any property line, where the proposed multi-family residential abuts property zoned or used for single-family residential, mobile home residential, commercial or industrial. Wall is not required if adjacent land use has provided a wall.

(b) **MOBILE HOME RESIDENTIAL:** Six foot masonry wall surrounding the entire site, except for roadway entrances. In addition, a 10 foot landscaped buffer shall be provided along any property line, where the mobile home park abuts property zoned or used for single-family residential, multi-family residential, commercial or industrial. Wall is not required if adjacent land use has provided a wall.

(c) **LIMITED COMMERCIAL, OFFICE PROFESSIONAL PARK, GENERAL COMMERCIAL:** A 6 foot masonry wall along any property line which abuts property zoned or used for single-family residential, multi-family residential, mobile home park residential, or industrial. Wall is not required if adjacent land use has provided a wall.

(d) **INDUSTRIAL PARK, LIGHT INDUSTRIAL, MEDIUM TO HEAVY INDUSTRIAL**
A 6 foot masonry wall along any property line which abuts property zoned or used for single-family residential, multi-family residential, mobile home park residential, or commercial. Wall is not required if adjacent land use has provided a wall.

(e) **RECREATIONAL VEHICLE:** A 6 foot masonry wall along any property line which abuts property zoned or used for single-family residential, multi-family residential, mobile home park residential, commercial, or industrial. Wall is not required if adjacent land use has provided a wall."

A new section (7) is added to the Development Standards Code Section 8.3 to read as follows:

"Any person, firm, partnership, limited liability company, or corporation violating any of the provisions of this Development Standards Code shall be guilty of a Class One Misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than two-thousand five hundred dollars (\$2,500.00) or imprisonment for not more than six months, or both fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the provisions of this Code."

SECTION 2. That an emergency is hereby declared to exist, and this Ordinance is hereby exempted from the referendum provisions of the Charter of the City of Nogales, and shall take effect and be in full force and effect from and after its passage and approval.

PASSED, ADOPTED AND APPROVED this 7 day of April, 1999.

CITY OF NOGALES


Cesar Rios, Mayor

ATTEST


Ignacio Barraza, City Clerk

APPROVED AS TO FORM:


Hugh Holub, City Attorney